

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 THE HON. MICHAEL J. McSHANE, JUDGE PRESIDING

4  
5 UNITED STATES OF AMERICA, )

6 Government, )

7 vs. ) No. 6:14-cr-00482-MC-1

8 DANIEL STEPHEN JOHNSON, )

9 Defendant. )

10  
11 REPORTER'S TRANSCRIPT OF PROCEEDINGS

12 EUGENE, OREGON

13 Monday, May 14, 2018

14 Day 9, Morning Session

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## 1 PROCEEDINGS

2 Monday, May 14, 2018, at 9:05 a.m.

3  
4 THE COURT: Good morning, everybody. So I know I  
5 reviewed a motion regarding expert testimony over the weekend  
6 and I am happy to take that up now, or if there's other  
7 matters that are more pressing. Who wants to start?

8 MR. WEINERMAN: Judge, I can take that up sometime  
9 today, but I am not sure that's what I would like to take up  
10 now, if that's okay.

11 MR. SWEET: Good morning, Your Honor. Just a few  
12 brief matters. What the government had discussed with  
13 Mr. Weinerman was the only thing we have is to recall Special  
14 Agent Schoening.

15 There was one matter we think would make sense to do  
16 outside of the presence of the jury, and that is to lay a  
17 foundation for the remainder of the overlay images. The  
18 government does not have any intent of offering those unless  
19 and until Mr. Johnson were to testify and say certain things.

20 However, if he were to testify, the government would  
21 like to show him those photos right away, and if the  
22 foundation weren't laid in advance, that would be more  
23 difficult to do. Rather than lay that in front of the jury  
24 for something they may never see, I think it makes sense, and  
25 I think Mr. Weinerman agrees, if we could do that briefly

1 with Special Agent Schoening before the jury comes in. And  
2 then we only have a few matters for him after that --

3 THE COURT: You are calling him now in your case?

4 MR. SWEET: Yes, we are. And counsel has a few  
5 exhibits they would like to get in through Special Agent  
6 Schoening as well. One makes perfect sense, and the other  
7 one we're looking at for one second, and so that's regarding  
8 Special Agent Schoening.

9 The only other matter we have was there was  
10 discussion on Wednesday regarding a stipulation as to  
11 residency. I don't know if counsel has any issue with our  
12 proposed stipulation.

13 MR. WEINERMAN: It's fine.

14 MR. SWEET: Very well. And we do have that, and if  
15 we could submit that, I believe it -- I am not sure what  
16 court exhibit it would be.

17 COURT CLERK: I think it's nine -- it would be 10.

18 (COURT EXHIBIT 10 OFFERED.)

19 THE COURT: I think we have that in the draft  
20 instructions under stipulations, but do you want it read at  
21 this point to the jury?

22 MR. SWEET: Please, Your Honor. Before we close if  
23 that could be read, because I think that wasn't part of our  
24 original stipulation. And the government did submit the  
25 stipulations that were, in Word form, sent. And then there

1 was a slight modification that counsel requested to make the  
2 name consistent. That made sense, so we submitted to  
3 Mr. Allnatt two modified stipulations, as well.

4 It just changed SO XXXXXXX's name to be consistent,  
5 and then I removed a line in the middle of the stipulation  
6 that said, This will be read to the jury, since it's  
7 obviously going to them.

8 And with that, Your Honor, I think we would have  
9 four stipulations, three of which would go to the jury. And  
10 I think we would be set on those. And I believe there's one  
11 more --

12 THE COURT: What is the stipulation that is not  
13 going to the jury?

14 MR. SWEET: The one that wouldn't be going, Your  
15 Honor, is actually where we basically said we waive -- all  
16 the parties agree that it's unnecessary to call custodians of  
17 records.

18 MR. WEINERMAN: With the exception of foreign  
19 custodians. I don't think we waived that. We didn't.

20 THE COURT: All right. So Mr. Weinerman, with  
21 regards to laying a foundation for the photographs, whether  
22 they come in or not, is another question. Do we plan to do  
23 that outside the --

24 MR. WEINERMAN: Yes, we can do that, Judge, and  
25 we're not disputing that the images came from the iPhone, for

1 what that's worth.

2 THE COURT: Is that the crux of the foundational  
3 testimony, Mr. Sweet?

4 MR. SWEET: Yes, Your Honor, that is.

5 THE COURT: So if there's a stipulation that the  
6 photos came from Mr. Johnson's iPhone, I think that's  
7 adequate foundation.

8 MR. WEINERMAN: Judge, more or less scheduling, just  
9 so the Court knows where we are, after the government rests  
10 we have three witnesses who are here today. I really don't  
11 think they are going to take all day, quite frankly. And  
12 then we're going to call an expert witness who originally,  
13 since we anticipated our case was going to take longer, was  
14 not going to get here until Thursday, and we were going to  
15 put her on Friday. So I was going to be begging the Court's  
16 indulgence until Friday.

17 Fortunately, she's been able to reschedule her  
18 flight so she's getting in this afternoon. At least if the  
19 flights aren't canceled or they are not delayed. She's run  
20 into that already. Best we can tell, she'll get here late  
21 afternoon, although we will know for sure later today.

22 So we were hoping that we could put her on tomorrow.  
23 The later she gets here, it may be more difficult for us to  
24 meet with her. We have never met her face-to-face. We do  
25 need some time to talk to her and get her ready.

1 THE COURT: Is this Dr. Jacobsen?

2 MR. WEINERMAN: Yes, Dr. Jacobsen. So we were  
3 hoping we could get some additional time and put her on  
4 either late morning, or early afternoon, and then we would  
5 rest.

6 And then I don't know when the Court wants to do the  
7 instruction conference. There's some matters that need to be  
8 taken up as far as the instructions go. So we were hoping we  
9 could do that tomorrow and then do the close on Wednesday  
10 morning. That's just a suggestion for our point of view.

11 THE COURT: Well, we need to have a discussion, I  
12 think today, about the scope of Dr. Jacobsen's testimony.  
13 And I am not prepared to let her testify about forensic  
14 interviewing of children, either here or in Cambodia, or the  
15 intricacies of immigration law.

16 If she's a history professor, it is up to the  
17 discretion of the Court to determine whether somebody with  
18 specialized skills and knowledge has relevant and necessary  
19 testimony that will assist the trier of fact. I think in her  
20 field of specialty, Cambodian history, I think she can  
21 testify. But I think what I need to hear, at some point, is  
22 what is the relevance of that, and how is it going to help  
23 the jury when they know there will be some cultural issues  
24 raised around massage.

25 The fact that the Cambodian police and justice



1 system is corrupt, so far is somewhat disconnected from this  
2 case. There really hasn't been any evidence that corruption  
3 occurred in a case where somebody convicted of child sex  
4 abuse received only one year, and a recommendation against  
5 deportation. And the argument for whether there was undue  
6 influence on the trier of fact in Cambodia could be argued  
7 both ways.

8 So I am having difficulty understanding the scope of  
9 Dr. Jacobsen's testimony. It's something we probably need to  
10 talk about, you need time to digest what I just said, and  
11 maybe we can tackle that at our next break.

12 MR. WEINERMAN: I will, Judge. Let me look over the  
13 notes. Some of the things that the government objects to  
14 we're not going to get into with Dr. Jacobsen. She is  
15 relevant on the history and the culture of Cambodia. I think  
16 the massage issue is there. She can also testify on other  
17 issues relating to culture and history.

18 I would agree she's not an expert on immigration  
19 issues in the United States, and who is eligible for T visas  
20 and U visas and such. I do think she should be permitted to  
21 testify about culturally and historically, the phenomenon in  
22 Cambodia on people trying to immigrate to other countries due  
23 to the poor conditions in Cambodia, both employment-wise and  
24 in other respects.

25 She doesn't have to get into people are trying to

1 get into the United States by taking T visas, but I do think  
2 she should be able to testify about the phenomenon of people  
3 in Cambodia trying to get dual citizenship or immigrate to  
4 other western countries where the financial opportunities are  
5 better.

6 As far as corruption goes, I believe one of the  
7 government's own witnesses said in their opinion the  
8 Cambodian police are corrupt. I believe that was CC XXXXXX,  
9 or one of the others. I don't recall. I can pinpoint that  
10 for the Court.

11 So that is out there, and it goes to what the  
12 witnesses believed while they were questioned by the  
13 Cambodian National Police when they were first questioned,  
14 what their fears were, what their concerns were, what their  
15 understanding was about dealing with the Cambodian National  
16 Police.

17 So I don't think we need to get into interrogation  
18 techniques in order for her to testify from a historical or  
19 cultural point of view what the Cambodian National Police --  
20 what their reputation is, and stuff. So those are a couple  
21 of the areas, and there are others. And I have a note here.

22 And I think the corrupt nature of their justice  
23 system is necessary to explain some of the things that the  
24 government has brought out about Mr. Johnson's conduct while  
25 he was in custody in the Cambodian jail, because he was

1 reaching out to people to help him deal with the situation,  
2 and it seems to me the government is going to be making an  
3 argument that Daniel Johnson was trying to obstruct justice.

4 He was, at the time, in litigation in Cambodia and I  
5 think it would be relevant for that purpose that he was  
6 dealing with a corrupt system. And that would explain that  
7 he was attempting to affect or influence what was going on in  
8 the Cambodian case, and not necessarily what was going on in  
9 the Federal case, which had not even been brought until  
10 December of 2014.

11 So we have a whole year of chats, and the government  
12 is saying he's trying to influence people himself through his  
13 brother, and during that time period he was being prosecuted  
14 in Cambodia. And until the Federal case kicked in in  
15 December of 2014, that is an explanation of what he was doing  
16 as opposed to trying to influence the Federal case.

17 THE COURT: Thank you, Mr. Weinerman. I think that  
18 gives me some perspective on where you are trying to go with  
19 the witness.

20 The corruption area, I think it comes in. There's  
21 some logic to that argument that the attempts that were being  
22 made by Mr. Johnson in custody were really desperate attempts  
23 to change the outcome of a corrupt prosecution in Cambodia.  
24 I think you can make that argument.

25 I don't think it takes an expert to convince the

1 jury that people from immensely impoverished countries are  
2 going to want to get out and start a new life in the United  
3 States. There's a whole caravan of people waiting on the  
4 border right now, living in poverty, trying to get into the  
5 country.

6 I think it's something that -- if it was just that,  
7 I would say we don't need an expert. But I think we have  
8 enough other issues around the corruption piece that I will  
9 allow that limited scope of testimony. Unless the government  
10 has more to say on it?

11 MS. BRITSCH: I think we largely agree with that  
12 defense. I think the only thing we might have an objection  
13 to, and we can talk about this. But to the extent she  
14 attempts to testify that this phenomenon of immigrating from  
15 Cambodia has led to false sexual abuse allegations, I don't  
16 think she has any expertise related to sexual abuse of  
17 children that would support that sort of testimony. So that  
18 would be our only --

19 MR. WEINERMAN: We wouldn't do that, judge.

20 THE COURT: All right. Let's -- well, we don't need  
21 to bring in the witness to lay foundation, there's a  
22 stipulation. Should we bring in the jury?

23 MR. SWEET: Your Honor, Mr. Weinerman handed two  
24 exhibits to the government that he wants to introduce through  
25 Special Agent Schoening. We're fine with that, but he hasn't

1 seen them. So if I could show those to him briefly so he  
2 knows what they are, and then that will facilitate that.

3 THE COURT: We will bring the jury in.

4 MR. WEINERMAN: Judge, after the government rests we  
5 are going to make a motion for judgment of acquittal under  
6 Rule 29. You waive it if you don't make it at the  
7 appropriate time, so it's not going to be a lengthy motion.  
8 But we want to make sure we make the motion at the  
9 appropriate time, which is normally at the end of the  
10 government's case. It's not something we would want to do in  
11 front of the jury.

12 THE COURT: We will take a quick break.

13 (JURY IN.)

14 THE COURT: Please be seated. Welcome back to the  
15 courthouse. I hope everybody enjoyed our long weekend and  
16 enjoyed the sun. It gave me time to shave, so I had a nice  
17 relaxing weekend.

18 JUROR: A six day beard.

19 THE COURT: That's the longest I have ever had a  
20 beard. Although, it's funny. Nobody noticed at home. I  
21 cooked dinner for everybody, and it wasn't until later  
22 somebody said, You look different. Nobody pays attention.

23 But thank you, folks. I know this case is a long  
24 commitment. We are kind of winding down, and I am hoping  
25 we're going to finish testimony tomorrow. There may be some

1 disjointed breaks for you as we try to get all the legal  
2 instructions and the closing arguments together, so that we  
3 can get this case to the jury and get you deliberating.

4 But with that, the government is recalling Special  
5 Agent Schoening. And he's still under oath in this case.

6 So, Mr. Sweet, you can go ahead.

7 FORREST SCHOENING,  
8 produced as a witness, having been previously duly sworn, was  
9 examined and testified as follows:

10  
11 REDIRECT EXAMINATION

12 BY MR. SWEET:

13 Q Good morning, Special Agent Schoening?

14 A Good morning.

15 Q A few questions. How old is Daniel Stephen Johnson  
16 today, please?

17 A 40 years old.

18 Q And at the time of his arrest in Cambodia on December 9,  
19 2013, how old was Mr. Johnson?

20 A 35.

21 Q And Special Agent Schoening, have you examined the  
22 contents of a white iPhone in this case?

23 A Yes, I have, sir.

24 Q And was that iPhone originally examined by FBI ITS Brian  
25 Poole?

1 A Yes, it was.

2 Q And were the contents of that iPhone made available to  
3 you on a system that would allow you to review it?

4 A Yes, they were.

5 Q And did you review on that phone for chats or messages,  
6 contacts, photographs, and other data?

7 A Yes. Yes, sir.

8 Q Were you able to determine who the user was of that  
9 phone?

10 A Yes, I was.

11 Q And who is that, please?

12 A Mr. Johnson.

13 Q And was the device -- was it named? Was there a name  
14 when you accessed the device? Was it assigned a name  
15 internally?

16 A Yes, the device name was Daniel's iPhone.

17 Q In terms of -- I would like to pull up Exhibit 157, if  
18 we could, please. I would like to ask you a few questions  
19 about this.

20 MR. SWEET: Your Honor, this has been previously  
21 admitted, and I would ask that it be published.

22 THE COURT: It will be published.

23 Q BY MR. SWEET: Can you see that, Special Agent  
24 Schoening?

25 A Yes, I can.

1 Q Do you know which device this was located on?

2 A Yes. It was the desktop computer.

3 Q And let's take a look at -- just starting at the left  
4 column, far left, what do you see on there?

5 A The left-hand column is the English name for several of  
6 the children that were at the orphanage.

7 Q And is this a two-page document?

8 A I believe so.

9 Q And are there multiple names of individuals who have  
10 testified in this case located on this document?

11 A Yes, sir.

12 Q And does it also have the date of birth listed on there?

13 A Yes, it does.

14 Q And let's just take -- let's go five or six down. Do  
15 you see -- I am sorry. Let's -- I am going to give you an  
16 example. So if we could back out a bit.

17 Do you see LS XXXXX or "LS X" on there?

18 A Yes, sir.

19 Q And go across, what do you see for his date of birth?

20 A XXXXXXXXXX, 2002.

21 Q Does it list an age of that person, presumably at the  
22 time the sheet was generated?

23 A Yes, sir.

24 Q And what is the column after age?

25 A The approximate arrival.



1 Q And finally in the far column is there a sponsor listed  
2 for the children?

3 A Yes, there is.

4 Q And does that data exist for -- let's go to the second  
5 page, as well, please. So with a few gaps, does that data  
6 exist for most of the people listed on that sheet, their  
7 approximate arrival date, their age, and their dates of  
8 birth?

9 A Yes, sir, for most of the individuals.

10 Q I would like to ask you a few questions about  
11 Mr. Johnson's travel, specifically his time in Oregon.

12 Special Agent Schoening, have you had an opportunity  
13 to look at Facebook messages from Mr. Johnson?

14 A Yes, I have.

15 Q And I would like to pull up Government's Exhibit 311,  
16 please.

17 MR. SWEET: And, Your Honor, this is just to counsel  
18 and Special Agent Schoening. The government has Exhibits 307  
19 through 311. They are all travel documents, a copy has been  
20 provided to the defense.

21 I will give them a moment to look at it to see if --

22 MR. SWEET: Is there no objection? And if it makes  
23 it easier, we could publish 311 and give the defense a little  
24 more opportunity before publishing the rest.

25 MR. WEINERMAN: Can I talk to counsel for a minute?

1 THE COURT: Yes.

2 MR. SWEET: I believe we have it worked out.

3 There's no objection to 307 to 311 being admitted. If  
4 there's an issue that arises as to any of the data, the  
5 parties will try to work it out, and if not, we'll raise that  
6 to the Court.

7 (EXHIBIT 307 to 311 OFFERED.)

8 THE COURT: It will be received.

9 (EXHIBIT 307 to 311 RECEIVED.)

10 Q BY MR. SWEET: Let's take a look at 311. If that can be  
11 published, can you explain, please, what is it that we're  
12 looking at here?

13 A It's a chart that I had one of our staff operations  
14 specialists prepare using a program called Palantir. It's  
15 something that they use for charts and graphs and analyzing  
16 data, so we uploaded the Facebook records -- or he did, I  
17 should say -- updated the Facebook records, and prepared  
18 these charts showing specific increments of time.

19 Q And did it include IP -- Facebook IP data?

20 A Yes, it does.

21 Q So that would show location at certain points in time?

22 A Yes, sir.

23 Q Was other location data, basically, obtained from the  
24 contents of messages, such as saying, I am here at this time,  
25 or here's where I am going? Was that also reflected on the

1 chart?

2 A Yes, sir.

3 Q So if we were to take a look at the top it shows a  
4 series of events in the first row at the top. The second row  
5 then says -- can you expand the top third, or top half? Does  
6 the second row list, essentially, status, login, comment.

7 Can you explain what that is, please?

8 A Yes, sir. So the login is based on an IP address.  
9 Comment is just we found a message or a post or status that  
10 was reflective of that date and time. And then status is  
11 just a general status.

12 Q And so at the bottom of it it looks like there are some  
13 messages. Could you -- would you -- let's take a look at the  
14 first message.

15 Could you discuss the date, time, and read the  
16 message, as well?

17 A Yes, sir. So the date on the first message was  
18 4/05/2013. The time was 18:42:41 UTC, which is coordinated  
19 universal time to replace the Greenwich Mean Time a few years  
20 back, and the message states, It is good to be back in the  
21 USA. My phone is now active, (541) 808-1248. I will be in  
22 Texas until Wednesday, April 10th, Oregon until the 12th, and  
23 then to California until the 26th, and return to Oregon  
24 April 29th, back to Texas until May 28th.

25 Q So does that post that you just read, does that

1 correspond to one of the events on the first row?

2 A Yes, sir. Corresponds to event one.

3 Q So then the date that you listed in the message is  
4 reflected in the status, April 5, 2013; is that correct?

5 A Yes, sir.

6 Q And so then as you look at the chart, as either a post  
7 or an IP logon reflect a different location, is that then  
8 reflected in terms of the -- if we look at the third row, it  
9 has a state, Texas, Oregon -- do those correspond?

10 A I am sorry. I didn't understand the question.

11 Q That's okay. It wasn't a very good question.

12 In terms of -- let's talk about the state on the  
13 third row. What does that show, please?

14 A You want me to go across?

15 Q Sure. Just describe what that final column has.

16 A Oh, so it has locations based on either IP addresses, if  
17 we got those, or -- we didn't get IP addresses for every  
18 single activity. So if it was a message, such as the one I  
19 just read but we didn't get an IP address associated with  
20 that, it's reflected in that third row. We put the IP  
21 addresses where we had them, and if we didn't, we relied on  
22 the messages or the content.

23 Q So in terms of -- let's go to the second-to-last  
24 message. I am -- let's go to the very last message. And  
25 while that pulls up, let me ask you this, Special Agent

1 Schoening. So this is for an April to May 2013 trip to the  
2 US; is that correct?

3 A Yes.

4 Q And the other exhibits we mentioned, 307, 308, 309 and  
5 310, were those for different trips that Mr. Johnson made to  
6 America?

7 A Yes, they were.

8 Q Do those also reflect travel to different states, time  
9 in Oregon, IP posts, comments about location?

10 A Yes, sir.

11 Q Were you able -- just from your review, were there  
12 states that Mr. Johnson spent most of his time in when he was  
13 in the US?

14 A Yes, sir. Generally from what I saw it was either  
15 Oregon, California, or Texas, but I didn't ever calculate out  
16 how much time in each respective state.

17 Q Then in terms of -- let's just take a look at the last  
18 message, please, in essence -- and what is the date on the  
19 last message, please?

20 A 5/27/2013.

21 Q Did that indicate that Mr. Johnson was in Oregon and  
22 headed to California the next day?

23 A Yes, sir.

24 Q And then if we could reduce that, so that was May 27,  
25 2013. And then what was -- what date did Mr. Johnson arrive

1 back in Cambodia, then?

2 A Looks like May 30th of 2013, sir.

3 Q And are you familiar -- are you aware what churches --  
4 were there certain churches that Mr. Johnson spent more time  
5 at, or certain states that had churches that he spent more  
6 time at?

7 A Yes, sir, primarily Calvary Baptist Church in Texas, and  
8 in Oregon I believe the two were Shoreline and Skyline.

9 Q Do you know, was there one or more church in California,  
10 as well, even if you don't know the name?

11 A I believe there was, but I can't recall the name.

12 Q Do you know from reading Mr. Johnson's messages and  
13 looking at posts, do you know if there were fund raising  
14 activities going on at those churches?

15 A Yes, there were.

16 Q Do you know what that fund raising was for?

17 A I believe it was to support Mr. Johnson in the ministry.

18 Q Let's take a look at the first exhibits, 307. I want to  
19 cover the time periods for each of the other exhibits.

20 What time period does 307 cover, please?

21 A June of 2011, sir.

22 Q And likewise, what states did you map activity for in  
23 those three, please -- excuse me, for the June 2011 trip?

24 A Covers Oregon, California, and Texas.

25 Q And Exhibit 308, please, what time period is that?

1 A That would be November of 2011, sir.

2 Q Does it look like it starts on October 29, 2011?

3 A Yes, sir.

4 Q And what is the last date, please?

5 A December 6th of 2011.

6 Q And what states were there for that trip, please?

7 A The same three, sir, Texas, California, and Oregon.

8 Q And likewise, does the Facebook at the bottom, does it  
9 have Mr. Johnson discussing where he is and what he's doing?

10 A Are you referring to the messages?

11 Q Yes.

12 A Yes, sir.

13 Q And Exhibit 309, please. What is the time period and  
14 the state, please?

15 A July 2012, sir, Oregon, California, and Texas.

16 Q And 310, same question, please.

17 A This would be November 2012. And we have got Oregon,  
18 Texas, and then Oregon again.

19 Q And are you -- do you know if -- for all of these trips,  
20 do you know what country Mr. Johnson left before coming to  
21 the US for all of the listed trips?

22 A Left Cambodia, yes, sir.

23 Q Do you know what country he returned to after all of  
24 these trips?

25 A To Cambodia, sir.

1 Q And is that true for each and every one of the five  
2 listed?

3 A Yes, sir.

4 Q From reviewing the records, did it appear that  
5 Mr. Johnson was leaving Cambodia, coming to the US, various  
6 states, including Oregon, and then returning to Cambodia each  
7 time?

8 A Yes, sir.

9 Q While we're talking about Cambodia and the US, what --  
10 are you aware of the time zone difference between the United  
11 States and Cambodia?

12 A Yes, sir.

13 Q What is it, please?

14 A In the summertime when we observe daylight savings here,  
15 they are 14 hours ahead of us. In the wintertime, they are  
16 15 hours ahead of us.

17 MR. SWEET: Your Honor, the government would ask  
18 that 307 through 311 be admitted. We will discuss anything  
19 with the defense later, and that's all the questions I have  
20 for Special Agent Schoening.

21 THE COURT: Those will be admitted with any  
22 redactions that need to take place.

23 RECROSS EXAMINATION

24 BY MR. WEINERMAN:

25 Q Could we put up Government's 311? So Agent Schoening, I



1 want to ask you a few questions about the third box, the big  
2 one that has the schedule of different places where  
3 Mr. Johnson went in April and May of 2013. Do you see that?

4 A Yes, I do, sir.

5 Q Would it be fair to say it looks like he was traveling  
6 to these various churches in Texas, California, Oregon,  
7 between April 28th and either May 23rd or May 31st? It's a  
8 little confusing when he actually left and returned to  
9 Cambodia. But would that be right, the dates, April 23rd to  
10 through May 23rd or May 31st?

11 A Yes, sir, I would agree to that.

12 Q And based on your following Mr. Johnson's travel, this  
13 whole trip, other than leaving Oregon and leaving Cambodia,  
14 was done by vehicle?

15 A That, I am not sure. I assume vehicles, airplanes and  
16 the like, yes, sir.

17 Q Do you have any documents, travel records which would  
18 indicate that Mr. Johnson used airlines to travel to these  
19 various places in Texas, California, and Oregon between  
20 April 26th and May 23rd or May 31st?

21 A I saw some Facebook messages, sir, where he referenced  
22 flying out of Oregon, but I don't remember which trips,  
23 specifically, those were.

24 Q Are there any travel records that you can recall, of  
25 airline records that you can recall, as you sit here right

1 now, indicating that he flew to any of these churches in  
2 Texas, in California, or Oregon?

3 A The only airline records I recall were the international  
4 travel. I don't recall seeing too many, if any, that  
5 reflected continental US travel.

6 Q So this was some sort of vehicle, whether bus or car, or  
7 something like that?

8 A Yes, sir. I believe both.

9 Q So I would like to show you what --

10 MR. WEINERMAN: I don't think this has been admitted  
11 yet, so if we can publish this to counsel and the witness.  
12 This would be Defense Exhibit 729.

13 Q BY MR. WEINERMAN: And I am going to ask you some  
14 questions about the interviewing process when the FBI went to  
15 Cambodia in November of 2014. Are you with me on the time  
16 period?

17 A Yes, sir. Yes, sir.

18 Q And the FBI was there to conduct forensic interviews,  
19 which on that occasion was led by Martha Finnegan. She's an  
20 FBI forensic interviewer; is that correct?

21 A Yes, sir.

22 Q And this was done at the offices of the Cambodian  
23 National Police?

24 A I believe so, sir, I wasn't there, but from reviewing  
25 the reports, I believe so.

1 Q You were aware that it was going on?

2 A Yes, sir.

3 Q And you were aware it was going on at the time it was  
4 going on?

5 A Yes, sir.

6 Q So they went over to interview some of the individuals  
7 who have testified in this case, correct?

8 A Yes, sir.

9 Q And Exhibit 729, to the best of your knowledge, is that  
10 a photograph of agents, including an FBI agent, watching the  
11 forensic interview of a particular individual from another  
12 location in the Cambodian National Police?

13 A Yes, sir.

14 MR. WEINERMAN: I would move to admit 729.

15 (EXHIBIT 729 OFFERED.)

16 MR. SWEET: No objection.

17 THE COURT: It will be received. You can publish  
18 it.

19 Q BY MR. WEINERMAN: I just have a few more questions  
20 about that. So Agent Schoening, you have seen this  
21 photograph before?

22 A I saw it today, sir.

23 Q So there's a screen in the middle that is actually the  
24 event that is taking place in the interview room with the FBI  
25 forensic interviewer, a witness, and an interpreter?

1 A Yes, I believe so, sir.

2 Q And there are other people in this other room. It looks  
3 like there are five people. Do you recognize any of them? I  
4 know it's a shot from the back, but do you recognize any of  
5 the individuals in this photograph?

6 A I don't, personally, sir, but I have been told that the  
7 individual on the left is Special Agent Doug McFarlane. I  
8 have never met him in person.

9 Q So that's an FBI -- the person who has either -- the sun  
10 glasses on his head?

11 A I believe so, sir.

12 Q And are the otherwise -- are the other individuals, they  
13 appear to be of Cambodian ethnicity, as best we can tell?

14 A Yes, sir.

15 Q And to your knowledge, are those individuals connected  
16 in some way with the Cambodian National Police?

17 A I believe so, sir, based on what I have been told.

18 Q So all of these people are watching the forensic  
19 interviews in realtime from another location, another room in  
20 the Cambodian National Police building?

21 A Yes, sir.

22 Q So the next item I would like the witness to be shown is  
23 Defendant's Exhibit 717.

24 MR. WEINERMAN: And I don't believe it's been  
25 admitted, so if we can just publish that to the witness.

1 Q BY MR. WEINERMAN: Agent Schoening, I am showing you a  
2 chat between BT XXXXXXXX and an FBI agent named Shannon. It  
3 seems to have occurred on May 1st, 2018, a few weeks ago.

4 Are you familiar with this chat?

5 A Yes, sir, it's Shannon Meyers, a victim specialist, not  
6 an FBI agent.

7 Q BT XXXXXXXX and Shannon, in which Mr. BT X makes a  
8 request of Shannon; is that correct?

9 A Yes, sir.

10 MR. WEINERMAN: And I would ask that it be admitted  
11 and published to the jury.

12 (EXHIBIT 717 OFFERED.)

13 MR. SWEET: No objection, Your Honor.

14 THE COURT: It will be received and published.

15 (EXHIBIT 717 RECEIVED.)

16 Q BY MR. WEINERMAN: So I am going to read it to you, and  
17 ask you if it represents what you know. It appears that on  
18 or about May 1st, 2018, BT XXXXXXXX sent this text asking  
19 Shannon, Can you do me a favor? My financial aid is denied  
20 and the school need a recommendation letter to be eligible  
21 for financial aid. Can you please write a recommendation  
22 letter for me? Thanks.

23 That appears to have been sent, it looks like, May  
24 1st, 2018. Is that what that says?

25 A Yes, sir.

1 Q And Shannon responds, nine minutes later, Hey are you  
2 around the hotel? Just wanna chat if you are here.

3 So that's her response to his request for a favor to  
4 help with financial aid; is that correct?

5 A Yes, sir.

6 Q Do you know what, if anything, was done to help him,  
7 help Mr. BT X obtain financial aid to deal with this problem?

8 A I don't think we have done anything, sir. Shannon  
9 mentioned to me the date it happened, or the next day and  
10 said she just wasn't going to get back to him.

11 Q So she didn't say anything to him one way or the other?

12 A Not that I am aware of, sir.

13 Q And this appears to have occurred, this favor that he  
14 asked, occurred a few days before he testified in this case;  
15 is that correct?

16 A Yes, sir.

17 MR. WEINERMAN: I have no further questions.

18 THE COURT: Any redirect?

19 MR. SWEET: Nothing, Your Honor.

20 THE COURT: Thank you very much. You are free to  
21 go. Any further witnesses for the government?

22 MR. SWEET: No further witnesses. We would ask the  
23 Court to please read the stipulation regarding residency, and  
24 any other ones that haven't been read to the jury.

25 THE COURT: Are there any others that haven't been

1 read -- I will certainly be reading them during instructions,  
2 all of them, and they will be going to the jury.

3 MR. SWEET: In that case, the only one we ask that  
4 be read now is the one from today regarding the residency,  
5 please.

6 THE COURT: So folks, again, stipulations are facts  
7 that the parties have agreed to that you are to accept as  
8 true. There's been a number of stipulations in the case, and  
9 at the time I instruct you on the case, I will read them  
10 again and they will be sent back with you with the  
11 instructions so you know what they are.

12 But there's a particular stipulation that I will  
13 read now. The parties agree and stipulate that at all  
14 relevant times, including between November 1st, 2005, and  
15 December 9, 2013, Daniel Stephen Johnson's last known  
16 domestic residence was in the District of Oregon.

17 All right. Reserving verification of the exhibits,  
18 does the government rest?

19 MR. SINHA: Your Honor, at this time, the United  
20 States rests.

21 (Government Rests.)

22 THE COURT: Folks, I need to take a quick break to  
23 talk to the attorneys, and we will have you back out and the  
24 defense will start calling witnesses.

25 (JURY OUT.)

1 THE COURT: Please be seated. Motions for the  
2 defense.

3 MR. WEINERMAN: Judge, we would move at this time  
4 for motion for judgment of acquittal on the basis we don't  
5 believe any reasonable -- the government has not proven  
6 beyond a reasonable doubt that any reasonable juror could  
7 return a guilty verdict on any of the counts.

8 We're not going to get into a long factual argument  
9 on this, not a factual argument at all. We're making it at  
10 this point for the record. We will renew it at the end of  
11 our case, and we may add some additional information. But at  
12 this time, we want the record to reflect that we're making  
13 this motion for judgment of acquittal.

14 THE COURT: Thank you. The motion will be denied.  
15 In light most favorable to the government, there is  
16 sufficient evidence for the matters to be considered by the  
17 jury.

18 Anything else we need to discuss before the defense  
19 begins?

20 I guess the one thing in terms of timing,  
21 Mr. Weinerman, if the only witness tomorrow is going to be an  
22 expert with relatively limited scope of testimony,  
23 instructions will take me about 15 minutes to read, it's my  
24 preference if we can, to go into closing tomorrow. My guess  
25 is if we broke in the morning and gave both sides some time



1 to organize their thoughts, we could get both of them done.

2 Does the government have some sense of how long the  
3 closing will be? It's a little more detailed than your  
4 opening.

5 MR. SINHA: Your Honor, it will be more detailed,  
6 but we're shooting for somewhere between 30 and 35 minutes.

7 THE COURT: Well, I thought you were going to tell  
8 me two or three hours.

9 My preference would be to go into closing tomorrow.  
10 We have had this jury on ice for a couple of extra days  
11 waiting to come back for the defense to open. So that's  
12 where I would like to go.

13 MR. WEINERMAN: All right, Judge. So we have three  
14 witnesses, and two of them will be using an interpreter.  
15 It's a new interpreter, since the defense witnesses. His  
16 name is Chamnan Paigne, and he is certified by the State of  
17 California. We have shown the certifications to the  
18 government, if the Court would like to see the certification  
19 from the state of California --

20 THE COURT: I don't need to see it. Can you spell  
21 his name for the court reporter?

22 MR. WEINERMAN: Yes, C-H-A-M-N-A-N, and last name  
23 P-A-I-G-N-E.

24 THE COURT: All right. Let's take a brief morning  
25 break, and be out in ten minutes.

1 (Brief recess taken from 9:55 a.m.

2 10:13 a.m.)

3 THE COURT: Please be seated. First witness for the  
4 defense.

5 MR. WEINERMAN: The defense would call Ban Boeurn.

6 If I spell his name in the record, B-A-N,  
7 B-O-E-U-R-N.

8 THE COURT: If you will remain standing for just a  
9 moment, we will bring up a chair for the translator. Do you  
10 want to raise your right hand.

11 BAN BOEURN,  
12 produced as a witness, having been first duly sworn, was  
13 examined and testified as follows:

14 (NOTE: Unless otherwise indicated, all answers  
15 represented by "A" and "THE WITNESS" will be answers given by  
16 the witness through the interpreter after translation.

17 THE WITNESS: Yes.

18 THE COURT: You can have a seat, please, and we have  
19 a new Khmer interpreter, Mr. Paigne. Thank you for joining  
20 us. You can have a seat, too.

21 And we have the name and have it spelled so go  
22 ahead, Mr. Weinerman.

23 DIRECT EXAMINATION

24 BY MR. WEINERMAN:

25 Q Is it okay if I call you Ban?

1 A Yes.

2 Q Now, I know you understand English, but the way we're  
3 going to do it is you are going to wait until the interpreter  
4 translates the question, and then you'll respond in Khmer.  
5 Is that okay?

6 A Yes.

7 Q How do you know Daniel Johnson?

8 A That was in 2001 or 2002, I got to know Daniel Johnson  
9 because he went to Taoyuan in Taiwan, and then afterwards he  
10 went to Cambodia. That's when I got to know him.

11 MR. WEINERMAN: Could we publish Defendant's  
12 Exhibit 600?

13 Q BY MR. WEINERMAN: What is the name of the program where  
14 you met Daniel Johnson?

15 A It was YWAM program. And the project that he was  
16 undergoing to study was called discipleship training school.

17 Q And does YWAM stand for Youth With A Mission?

18 A Yes.

19 Q And would you take a look at the certificate that is on  
20 the screen next to you. I think if you look down there  
21 should be a screen. Have you seen that certificate before?

22 A Yes.

23 Q And what is it?

24 A It's a certificate that he completed the training  
25 courses in Taiwan in Taoyuan city, and it's YWAM program.

1 Q So after -- well, the training involved instruction in  
2 Taiwan?

3 A It was in -- it was done in English.

4 Q I am sorry. I didn't --

5 A It was done in English.

6 Q Let me say it again. The location of the training, what  
7 country was that in?

8 A It was in Taiwan.

9 Q And then after training was over, did you go somewhere  
10 else for outreach?

11 A At the end of the training course, they took all of the  
12 students to Cambodia.

13 Q And let me back up and ask you, where are you from?

14 A I am from Cambodia.

15 Q Were you born in Cambodia?

16 A Yes.

17 Q Where in Cambodia?

18 A I was born in Prey Veng province.

19 Q Prey Veng is where?

20 A It's near Vietnam.

21 Q How far away from Phnom Penh?

22 A About an hour and a half of driving.

23 Q Is that the city, or is that the country?

24 A I live in a village.

25 Q What was the size of the village?

1 A A few thousands.

2 Q So when the program sent you to Cambodia after the  
3 training in Taiwan, what did you do in Cambodia?

4 A It was basically to preach the gospel and just an  
5 outreach program that we have to go to all these different  
6 places.

7 Q Did you do any charitable work in Cambodia?

8 A Yes.

9 Q Tell us about that.

10 A Each of the places that we went there to help out, it  
11 was -- we went to the communities, and we helped out the  
12 orphans.

13 Q In what way?

14 A Well, for the orphanages buildings, we helped -- gave it  
15 a new paint on the -- it's called painting on the building.

16 Q So what type of buildings did you help with?

17 A It's made out of cement, and it's where the orphans were  
18 housed.

19 Q Did you do any work with any of the churches in  
20 Cambodia?

21 A Yes.

22 Q Which ones?

23 A In English it is called Fellowship Word of Life Church.

24 Q And who was connected to that church?

25 A Pastor Sinai was a pastor for that church.

1 Q I am going to show you a couple of photographs, again.  
2 It's on the screen to your left. The first one is  
3 Exhibit 600, page 2. Do you recognize that photograph?

4 A Yes, I do.

5 Q Who do you recognize in that photograph?

6 A I recognize about five or six people that are in the  
7 photograph.

8 Q How about the two who are in the courtroom right now?  
9 Are you in the photograph?

10 A Yes.

11 Q Which one?

12 A I am the second person from the left -- that would be  
13 from the right.

14 Q And who are you standing next to?

15 A That would be Daniel Johnson.

16 Q So you are to the right of Daniel Johnson; is that  
17 correct?

18 A Yes.

19 Q Can we -- where was this photograph -- well, is this  
20 photograph taken with other people who were in the training,  
21 the YWAM training?

22 A Yes, that is correct.

23 Q And could we show the witness Exhibit 600, page 3. Do  
24 you recognize this photograph?

25 A Yes, I recognize it.

1 Q Who is in this photograph?

2 A Daniel and Taiwanese national.

3 Q Which one is Pastor Sinai?

4 A Right in the middle, sitting on the wheel.

5 Q Next to Daniel Johnson?

6 A Yes, he's next to him. That would be to his left.

7 Q So did Pastor Sinai, was he affiliated with the church  
8 in Cambodia as well?

9 A He was the director and a pastor, and he -- he was a  
10 director for all of Cambodia and Phnom Penh, some of the  
11 provinces.

12 Q So besides doing some work on some of the buildings,  
13 painting, were there any other things that the volunteers did  
14 for Pastor Sinai when you were in Cambodia?

15 A Yes. There was teaching of English language and playing  
16 games with the kids.

17 Q So did everyone in the group speak English, or just some  
18 of the students speak English?

19 A There were different nationals. For me, I was a student  
20 as well as a translator.

21 Q So you spoke English well enough to teach English to  
22 people in Cambodia?

23 A Yes. And in the training program there were English  
24 language learning, as well.

25 Q So after the volunteer work was done in Cambodia, where

1 did the group go?

2 A They went back to the school.

3 Q In Taiwan?

4 A In Taiwan.

5 Q And then when the program ended, where did you go and  
6 where did Daniel Johnson go?

7 A May I say something?

8 Q Well, you are supposed to answer the questions. Oh, so  
9 do you need me to clarify the question for you?

10 A Because Daniel was ahead of me in the program, I started  
11 the class, the course in 2003.

12 Q All right. So after -- you eventually graduated; is  
13 that correct?

14 A Yes.

15 Q And Daniel graduated as well?

16 A Yes.

17 Q So where did you go to work after you were finished with  
18 the program?

19 A I went back to work for the same organization, the same  
20 church.

21 Q And was that for Pastor Sinai?

22 A Yes.

23 Q Did he have an organization called New Hope for Orphans?

24 A Yes, that's correct.

25 Q And what was that? What did that organization do?



1 A That's where they housed and raised the orphans, and  
2 abandoned children by parents and orphans who was left from  
3 the AIDS, from parents who died.

4 Q And where was this located?

5 A One in Phnom Penh, and spread out through the provinces.

6 Q Tell us what you did for New Hope for Orphans. What was  
7 your work?

8 A My role was in the administrative work.

9 Q Tell us what you mean by administrative. Give us some  
10 examples.

11 A I created the documents so I can -- the contact, the  
12 relay to the government, and data for the children.

13 Q So let me stop you. When you say you made a document,  
14 are you referring to documents about some of the orphans or  
15 some of the kids who lived at the orphanage?

16 A That's correct.

17 Q What would those documents say in general?

18 A Children's profiles, background, the parents, and why  
19 the parents were deceased and what was the reason, and the  
20 children's wishes, and what they wanted, and what they wanted  
21 to achieve.

22 Q And what was the purpose of preparing these documents?

23 A The purpose was all these things done for the purpose of  
24 sponsorship.

25 Q By sponsorship, you mean finding people to donate money?

1 A Yes, for money.

2 Q Did you have any other duties at New Hope for Orphans?

3 A For the church I was the translator.

4 Q Did you go to school and study before you worked for New  
5 Hope for Orphans?

6 A Yes, I did. I was in accounting.

7 Q How long did you study accounting?

8 A Two years.

9 Q Did you get a degree?

10 A Yes.

11 Q Did you do some accounting work for New Hope for  
12 Orphans?

13 A Yes, I actually worked at New Hope.

14 Q For how long?

15 A For about 10 years.

16 Q And did there come a time that Daniel Johnson returned  
17 to Cambodia while you were working for New Hope for Orphans?

18 A That is correct.

19 Q And do you recall approximately when that happened?

20 A Can you repeat the question?

21 Q Yes. When you were done with the YWAM program, you said  
22 you went to work for Pastor Sinai, New Hope for Orphans,  
23 correct?

24 A Yes.

25 Q And you said you worked for New Hope for Orphans, I

1 think you said for 10 years?

2 A Yes, that is correct.

3 Q When in that 10-year period did Daniel Johnson return to  
4 Cambodia?

5 A In general, he had been going in and out of Cambodia  
6 continuously. And the date, the last time that he returned  
7 to Cambodia, I don't remember. I don't know.

8 Q So did Daniel Johnson do any work with New Hope for  
9 Orphans?

10 A Yes.

11 Q Tell us what type of work he did.

12 A First thing that he did when he helped me out was in  
13 the -- in some kind of administration job, and translation.  
14 And he helped proofread my English writings for the  
15 newspaper, occasionally.

16 Q Did he help at all with the profiles for the kids that  
17 were sent out for sponsors?

18 A Yes, he did. He proofread that.

19 Q So at some point did Daniel Johnson start his own  
20 organization?

21 A I am not certain. At that time I think it was in 2007,  
22 we left -- I worked on my own things, and he left and he went  
23 to do his own things for that period. But I heard that he  
24 started an organization.

25 Q So I am going to show you some photographs and see if

1 you recognize those photographs as being connected to the  
2 organization. It's Exhibit 716, and I don't recall whether  
3 those have been admitted or not.

4 (EXHIBIT 716 OFFERED.)

5 MR. SWEET: No objection.

6 THE COURT: Those will be received.

7 (EXHIBIT 716 RECEIVED.)

8 Q BY MR. WEINERMAN: So we're going to show you each one  
9 of these photographs. Defense Exhibit 716. So there's two  
10 photographs. Do you recognize those photographs?

11 A I remember.

12 Q Is that the ministry that Daniel Johnson started?

13 A Yes, that is correct.

14 Q And tell us what that ministry did.

15 A There was teaching, English teaching to the kids.

16 Q What of?

17 A Mainly it was just setup so they can teach English to  
18 the children.

19 Q Anything about religion, teaching the gospel, for  
20 example?

21 A It was -- certainly it was not -- it was for preaching  
22 the gospel, but the main focus was to show them love.

23 Q Show love to the kids?

24 A Show love to the kids from Jesus, Jesus' love for the  
25 children.

1 Q One of these photographs, I believe the top one, shows  
2 food being distributed?

3 A Yes, occasionally it's like what they call a party. It  
4 was not -- it was not a party, but it was a special  
5 distribution of special day.

6 Q Distribution of food?

7 A Yes. After the classes were finished, and maybe once a  
8 week, and if he could afford it, then he would pay out -- he  
9 would get some food and give it to the children.

10 Q To your knowledge, did these kids who were taught  
11 English and fed, did they live at this location or did they  
12 live somewhere else?

13 A They live at their homes, and they came through -- they  
14 came from the slums.

15 Q So if someone comes from the slums, obviously, they are  
16 underprivileged; is that correct?

17 A Yes, that is correct.

18 Q And probably underfed?

19 A Yes.

20 Q So can we show the other two photographs. I think  
21 there's a second page. So are these photographs of the same  
22 place where these activities took place?

23 A Yes, all of these photos took place at just one place.

24 Q And the person wearing the black shirt by a board  
25 pointing -- I am not going to ask you if you know who that

1 person is, but what is he doing?

2 A He was teaching English.

3 Q I think if you look closely you can see English letters  
4 on that white board?

5 A That is correct.

6 Q And that's how they teach English in Cambodia?

7 A Yes, that is correct.

8 Q So I think I also meant to ask you, when you were  
9 working with Daniel and Pastor Sinai for New Hope for  
10 Orphans, did you ever have occasion to travel with Daniel to  
11 take photographs of places in Cambodia?

12 A I went to many places.

13 Q With Daniel?

14 A Yes, that's correct.

15 Q Did one of you have a camera?

16 A Generally, I did not have a camera, but he did.

17 Q And were photographs taken at various places?

18 A Yes.

19 Q And what type of places would you take photographs?

20 A There were two places that we generally went. There  
21 were churches, children's center, yes, just churches and the  
22 children's centers, orphanages.

23 Q What was the purpose of taking photographs of churches  
24 and orphanages?

25 A It was just to update information and created the

1 newsletter, and those would be sent to the sponsors and for  
2 some websites.

3 Q And for the purpose of fund raising?

4 A That is correct.

5 Q Now, at some point did you and Daniel not work together  
6 anymore?

7 A That is correct.

8 Q So he went out and started another ministry?

9 A Yes, that is correct.

10 Q Where did you go after New Hope for Orphans?

11 A In 2011 I left and I joined another organization called  
12 One To One Cambodia.

13 Q Tell us what One To One Cambodia does.

14 A It was just two main prongs that they were involved in.  
15 One was dental and the other one was medical.

16 Q So what did that organization do with medical and  
17 dental?

18 A They would help the indigent children and the community,  
19 all those things without any expenses without -- just for  
20 free.

21 Q So free dental and medical care?

22 A That is correct.

23 Q So what was your job in setting all of that up?

24 A I was coordinating the group, the entire job that was  
25 set up.

1 Q So let's say a village, you decided a village needed  
2 dental care. Who would be the dentist who would provide the  
3 dental care, and what did you do to find them?

4 A Generally my role, 99 percent is involved with the  
5 overseas students. And mostly they come from the UK, and for  
6 the person who was in charge coordinating with the overseas  
7 students, that would be Dr. Eddie.

8 Q So let me stop you. So let's say a village needed a  
9 dentist to come in. You would find the dentist overseas?

10 A No.

11 Q Where would the dentist come from?

12 A The dentist could come from the United States, but  
13 mostly they are from UK, because we have connections through  
14 the school in Cambodia.

15 Q All right. So were these people who came to provide  
16 dental care from the UK, were they licensed, or were they  
17 dental students?

18 A Both. They were both.

19 Q So you would coordinate these students and these  
20 dentists coming to Cambodia?

21 A Yes, that is correct.

22 Q And then did you have to connect them with any local  
23 dentist in Cambodia?

24 A Yes, that's correct.

25 Q How did it work? When you actually went out to the



1 village to provide the dental care, who went and how did it  
2 work?

3 A So we have oversea dentist, and we would find a local  
4 Cambodian dentist to oversee the overseas dentist. And we  
5 have our personnel, the staff, and we all went.

6 Q And how long did these missions where dental care was  
7 provided, how long did those last?

8 A It was five days a week, from Monday to Friday.

9 Q And the patients were people who could not afford dental  
10 care?

11 A Yes.

12 Q And who supervised the dental students who came to  
13 provide the care?

14 THE COURT: This doesn't seem to have anything to do  
15 with what Mr. Daniel Johnson is doing.

16 MR. WEINERMAN: We're going to connect that, Your  
17 Honor, in a minute or two.

18 Q BY MR. WEINERMAN: Who supervised these students?

19 A We have a Cambodian professors dentist.

20 Q So in November of 2013, did you and Daniel Johnson go to  
21 Prey Veng?

22 A That is correct.

23 Q And you were still working for One To One Cambodia?

24 A One To One, yes, that is correct.

25 Q And could we publish Exhibit 613, page 20. Do you

1 recognize that photograph?

2 A Yes. Yes.

3 Q When was that taken?

4 A In about 2012 or 2013. I don't remember for sure.

5 Q When in relation to Daniel's arrest was that photograph  
6 taken?

7 A Maybe about a week.

8 Q And why did you go to Prey Veng with Daniel?

9 A In the project that we went there and we had -- wanted  
10 to incorporate Daniel Johnson's church with the program One  
11 To One.

12 Q So I want to show you Exhibit 616, page 193. Do you  
13 recognize that building?

14 A Yes.

15 Q Is that the building you went to look at with Daniel  
16 Johnson?

17 A Yes, that is correct.

18 Q And what was that building for?

19 A It was for the dental and medical.

20 Q So you wanted to partner your organization with what  
21 Daniel Johnson was doing in Prey Veng?

22 A Yes, that is correct.

23 Q And obviously that didn't happen?

24 A Yes, that is correct.

25 MR. WEINERMAN: I have no further questions. Thank

1 you.

2 THE COURT: Cross.

3 MR. SWEET: Thank you. No questions.

4 THE COURT: Thank you very much, sir. You are free  
5 to go.

6 Next witness for the defense.

7 MR. WEINERMAN: We call Pastor Teb Sun, T-E-B,  
8 S-U-N.

9 THE COURT: Pastor Sun, if you would come up to the  
10 witness stand to my left. If you would step up the stairs  
11 and remain standing for just a moment.

12  
13 PASTOR TEB SUN,  
14 produced as a witness, having been first duly sworn, was  
15 examined and testified as follows:

16  
17 (NOTE: Unless otherwise indicated, all answers  
18 represented by "A" and "THE WITNESS" will be answers given by  
19 the witness through the interpreter after translation.)

20 THE WITNESS: Yes.

21 COURT CLERK: Please be seated and state your name  
22 for the record.

23 THE WITNESS: My name is Sun Teb, and called Teb  
24 Sun. And I am the pastor for Prey Angkun Church.

## 1 DIRECT EXAMINATION

2 BY MR. WEINERMAN

3 Q Is that a village in Cambodia?

4 THE INTERPRETER: P-R-E-Y, A-N-G-K-U-N.

5 Q Is that a village in Cambodia?

6 A Yes.

7 Q And that's in Prey Veng?

8 A In Prey Veng.

9 Q So we just said your name is Teb Sun. Is that the name  
10 on your birth certificate?

11 A In my birth certificate, I was listed as Sun Teb.

12 Q But that's -- is that your real name?

13 A It would be my true name, and they use that on the birth  
14 certificate and the government has used that name as well.

15 Q So is that your true name, or do you go by another name?

16 A Kim San is a name my parents gave to me.

17 Q So could you explain, if you can, why the name your  
18 parents gave to you isn't the name on your passport?19 A This is because my aunt and uncle call me Sun Teb, so  
20 all the people around there call me Sun Teb and then the  
21 chief village didn't bother to check, so they listed Teb as  
22 my name.

23 Q And that's how it got on your birth certificate?

24 A Yes. Yes.

25 Q And that's how it got on your passport?

1 A Yes, to everything.

2 Q So could you tell us what you do for a living?

3 A I was a farmer at first.

4 Q And then what did you do after you were a farmer?

5 A I have been a police for the government, for the  
6 Cambodian government.

7 Q Cambodian National Police?

8 A Yes.

9 Q And for how long?

10 A I worked for three years.

11 Q And then you stopped working for the police?

12 A Yes, I did.

13 Q And did you go to school after you stopped working for  
14 the police?

15 A Oh, no, I attended school before I was a police.

16 Q So after you left -- let me ask you about that.

17 What did you study in school?

18 A I attended an elementary school all the way to middle  
19 school, high school.

20 Q At some point did you ever go to a Bible school?

21 A Yes. Yes, I did.

22 Q What was the name of the school?

23 A It was a college Bible study, Cambodia.

24 Q What part of Cambodia?

25 A It was in the city of Phnom Penh.

1 Q And how many years did you attend the Bible college, or  
2 the Bible school?

3 A For about three years, two to three, from 2007 to 2009,  
4 but I had medical condition. I had my stomach problems.

5 Q After you were done with school, where did you go?

6 A So I found a church, and -- well, I find a church even  
7 during the Bible study, at the Prey Angkun.

8 Q Where is that?

9 A The Prey Angkun is a place where Daniel had done work.

10 Q Is that the place in Prey Veng?

11 A In Prey Veng province, commune and Peamro, P-E-A-M-R-O  
12 district.

13 Q Is that where the village is, where the church in Prey  
14 Veng is?

15 A Yes. Yes.

16 Q Can you recall when you met Daniel Johnson?

17 A I am certain that was in May of 2010.

18 Q How did you meet him?

19 A I knew him through Nhep Pilot, N-H-E-P, P-I-L-O-T.

20 Q So when you met Daniel Johnson, had he already been  
21 working on the buildings in Prey Veng, or that hasn't started  
22 yet?

23 A Well, when we first met, the place it was all pretty  
24 much trees and woods.

25 Q So why don't we show you some photographs, so I think

1 we're going to show him the one, the clearing. Let me see if  
2 I can -- I want to show him this. So there's a screen in  
3 front of you, if you look down and to your left, I believe.  
4 So don't look at me, look at the screen.

5 MR. WEINERMAN: May I approach the witness?

6 THE COURT: Yes.

7 Q BY MR. WEINERMAN: There's one right here. So is this  
8 land in Prey Veng that Daniel built on?

9 A Yes.

10 Q And this is land that eventually turned into some  
11 buildings that housed a church, student center, and other  
12 things?

13 A Yes, this area is for the children's center.

14 Q So that land had to be cleared before building could  
15 start?

16 A Yes. We had to hire locals to clear the land.

17 Q And how was the land purchased?

18 A I inquire about the land, but about Mr. Daniel paid for  
19 the land.

20 Q So he provided the funds for the land?

21 A Yes.

22 Q So can we show the witness Exhibit 616, page 2. I am  
23 going to show you a new photograph. Do you see that?

24 A Yes, I see it.

25 Q Are those the buildings for this location that Daniel

1 helped build?

2 A Yes.

3 Q So could you point out to us some of the buildings, and  
4 what they were going to be for. And you can touch the screen  
5 if you want, and it will make a little mark.

6 A This is a church (indicating).

7 Q What else?

8 A This building is for the -- meant for the clinic. And  
9 this is the bathroom. It's a coffee structure, and the  
10 bathroom. They are both next to each other. And this is for  
11 the sports activities, and this part has not been developed  
12 so I planted some gardens, a garden. This part right there  
13 has not been materialized, and so I just planted some garden.

14 Q So I am going to show you some of the completed  
15 photographs, now. So page 616, page 35.

16 A Yes.

17 Q What is that?

18 A This is the coffee area.

19 Q What do you mean coffee area?

20 A It means just for one -- they were working on the  
21 projects and there was some guests who came, and for the  
22 workers who got tired, and they would serve coffee or other  
23 refreshments.

24 Q 727, which I believe is a photograph of you. Yes? Do  
25 you recognize that photograph there?



1 A That's me.

2 Q And where are you there?

3 A I am sitting in that coffee place.

4 Q 616, page 43. Do you recognize that one?

5 A Yes, that's me. And there's another kid. I don't  
6 recall specifically who he is.

7 Q So the kids that were out there, did they live there?

8 A There's some that live there, and other ones who lived  
9 outside of the place. I cannot get a good look at the face.

10 Q And is this -- what building is behind those gates?

11 A I think that's the church.

12 Q And did Daniel help with the building of the church?

13 A He helped everything.

14 Q So when you say he helped, give us some examples of what  
15 he did.

16 A He just basically helped, was looking at -- for the  
17 locals, help to hire, but he paid for everything.

18 Q 616, page 51, what is in that photograph?

19 A This is the church.

20 Q And how long did it take to build all of these things?  
21 How long did it take?

22 A I think we started by the end of 2010, so by 2011 we  
23 have built everything but not everything.

24 Q Did people come from outside of Cambodia to help build  
25 these buildings?

1 A Yes, they came over to help, the guests that he brought  
2 over.

3 Q So you are saying guests that Daniel brought over?

4 A Yes. Yes. Yes, there's people helping.

5 Q And were these people from churches?

6 A They came from the United States maybe, and they were  
7 young. And well people like me and my brother, who belongs  
8 to the church also helped out.

9 Q Exhibit 616, page 49, page 49. Do you recognize this  
10 photograph?

11 A Yes.

12 Q And what is happening in this photograph and where was  
13 it taken?

14 A This photograph is taken from the west side of the  
15 church, adjacent to it.

16 Q And there's some young people. What are they doing?

17 A At that time they either were studying English, or they  
18 were coloring. Something involving with the gospels. I am  
19 not certain.

20 Q So who would teach the kids English?

21 A Sometimes they were taught by the older kids from his  
22 center, other times there were guests that were coming from  
23 overseas, or sometimes it was my daughter.

24 Q So your daughter taught English to the kids?

25 A Yes.

1 Q And is she in this photograph? Do you see her in this  
2 photograph?

3 A I don't see her.

4 Q Besides helping build the church and some of these other  
5 buildings, did Daniel build other things in your village?

6 A He helped put the wells in the villages, eight wells for  
7 the villages. And there was one in the children's center,  
8 and then there was one other one by the church. So there  
9 were a total of 10.

10 Q I am going to show you what I believe is one of them.  
11 Exhibit 726, I don't think there's a page number for this  
12 one. Is that one of the wells you are talking about?

13 A Yes.

14 Q And who is that in the photo?

15 A That's me.

16 Q And can you recall exactly when this well was built?

17 A It was done right after 2011, after the church was built  
18 and then built the well.

19 Q And what is the difference between having 10 wells in a  
20 village and not having them?

21 A Without the wells, and the people in the villages would  
22 face difficulty in finding water.

23 Q Exhibit 616, page 170 -- Exhibit 616, page 170. Do you  
24 recognize that photograph?

25 A Yes. That's for the -- make the electricity.

1 Q So does the church have electricity?

2 A Yes, when he installed it.

3 Q Exhibit 616, page 193. Do you recognize that building?

4 A Oh, this is the clinic project.

5 Q And that was never completed, right?

6 A It was not completed because he had some problems.

7 Q And what was the problem?

8 A I don't know what exactly, but I heard that he got  
9 arrested. So all of these building project was stalled.

10 Q So were any buildings constructed after Daniel Johnson  
11 was arrested?

12 A Yes. And it is still incomplete to this day.

13 Q Exhibit 616, page 209, is that the playground next to  
14 the church?

15 A This is the -- where the children, where they play, the  
16 center, on the west side.

17 Q Exhibit 616, page 211. How about this photograph? What  
18 does this one show?

19 A This is a program where the children were involved in  
20 teaching the gospels and the coloring.

21 Q So I want to talk to you a little bit about your church.  
22 What is the church called?

23 A It is called the Mountain Movers. It is the Mountain  
24 Movers, faithful followers of the church.

25 Q And how often do you have services at your church?

1 A We have Sunday worship that is for the children and for  
2 the adults, they would be separated.

3 Q So two separate services on Sunday?

4 A Yes, at that different time.

5 Q Do you have services any other time during the week?

6 A There were Saturdays for the youth services.

7 Q So one on Saturday, two on Sunday?

8 A Yes.

9 Q And you preach at these services?

10 A Yes, I preach the gospels, and my daughter helped with  
11 the kids.

12 Q When you say your daughter helps with the kids, what  
13 does she do?

14 A Teaching gospels, the singing.

15 Q And you mentioned English, English classes?

16 A Yes.

17 Q Exhibit 616, page looks like 238. Do you recognize that  
18 building?

19 A Yes, that's the plan where we planned to house the kids.

20 Q So do kids live there right now?

21 A No.

22 Q Who lives there now?

23 A Only me, my wife, and my daughter.

24 Q How come kids don't live there?

25 A So I -- we don't have anybody live there anymore

1 because, well, Pastor Pilot took the license out of the  
2 building. So I could not put any children in there.

3 Q And so you are living in a pretty big building by  
4 yourself; you, your wife and your daughter?

5 A Yes. And for some -- some youth who came to visit from  
6 Phnom Penh. They were teaching English, and they could stay  
7 there, use that place to sleep over.

8 Q So if visitors come, that's where they stay?

9 A Yes, such as SES XXX and other older kids.

10 Q Do you ever get visitors from the United States, from  
11 churches in the United States who come to visit?

12 A Yes, sometimes. They use this place for us.

13 Q So I want to show you Exhibit 612, first page 4, then  
14 page 11. So why don't you look at 4, and then why don't I  
15 show you 11.

16 A This is the glasses, distribution of prescription  
17 program.

18 Q And where was that done? At your church?

19 A This would be the west side of the church.

20 Q And what did Daniel have to do with distributing the  
21 eyeglasses?

22 A He helped measure with the prescriptions, and other  
23 work, different kinds of involvement.

24 Q So looking at page 11, the man who is holding the  
25 glasses, the man with the blue shirt?

1 A His name was Eddy. I know him.

2 Q And is he trained to be an eye doctor or optometrist?

3 A He's was the one that actually dispensed the eyewear and  
4 for the eyes, and then he would provide them with the  
5 glasses.

6 Q And Daniel brought all of this to the church?

7 A Are you talking about this particular --

8 Q Yes.

9 A Yes, Daniel was the person who brought him over.

10 Q So you have come a long way to testify here today?

11 A Yes, very far. I have -- I have medical conditions  
12 throughout my travel.

13 Q How long did it take to get here from Cambodia?

14 A I think about 20 hours, maybe closer to 30 hours. Had  
15 to wait for the flight at the airport.

16 Q So it's -- have you ever been on a plane before?

17 A No, this is my first time.

18 Q And tell us why you came.

19 A I wanted to come because of the needs of the community,  
20 and the people there want me to come, so -- in hope that they  
21 wanted to have the clinic finished.

22 Q Are you telling us the truth about the help that Daniel  
23 gave you in Cambodia?

24 A Yes. That's the truth.

25 MR. WEINERMAN: Thank you. I have no further

1 questions.

2 THE COURT: Cross-examination?

3 MR. SWEET: Thank you, Pastor. No questions.

4 THE COURT: Pastor, thank you very much. You are  
5 free to go.

6 MR. WEINERMAN: Judge, can we see if our third  
7 witness is here?

8 THE COURT: Yes.

9 Sir, if you step up to the witness stand here to my  
10 left, and you can go ahead and step up those stairs and  
11 remain standing for just a moment and you will be sworn in.

12  
13 BILLY DEAN ROBERTSON,  
14 produced as a witness, having been first duly sworn, was  
15 examined and testified as follows:

16 THE WITNESS: Yes.

17 COURT CLERK: Please state your full name and spell  
18 the first and last for the record.

19 THE WITNESS: Billy Dean Robertson. B-I-L-L-Y,  
20 R-O-B-E-R-T-S-O-N.

21 THE COURT: Mr. Robertson, you can have a seat,  
22 please. Mr. Robertson, that little button on the desk there  
23 in front of you is the microphone. So you move up to that it  
24 will capture your voice, and at times the screen to your left  
25 may show exhibits that the attorneys want you to look at.



1 Mr. Weinerman.

2  
3 DIRECT EXAMINATION

4 BY MR. WEINERMAN:

5 Q Mr. Robertson, how young are you?

6 A 84.

7 Q Tell us a little bit about your background starting with  
8 your education.

9 A Well, I decided I didn't need a high school education,  
10 so I dropped out and went to work in construction. And then  
11 decided later that I needed to go to college, so I took the  
12 entrance exam at Fresno State in California and passed it, so  
13 entered college then.

14 Q Where did you grow up?

15 A Pardon me?

16 Q Where did you grow up? Where were you raised, what part  
17 of the country?

18 A Partly in Oklahoma, and the rest in California,  
19 Los Angeles and Fresno.

20 Q So I am going to guess you are retired now?

21 A Semi-retired.

22 Q So let's start with the retired part. You are retired  
23 from what profession?

24 A Pastoring and holding Evangelism meetings.

25 Q What denomination were you a pastor?

1 A Assembly of God, ordained.

2 Q Tell us a little bit about that in terms of its size.

3 A Well, it's around the world. We have churches all over  
4 the world, mission stations, and our conventions usually are  
5 20,000 or more people. And they have been in existence --  
6 they formed, I think, in 1914.

7 Q And at some point, did you get educated in order to  
8 become a pastor?

9 A Yes.

10 Q Tell us a little bit about that.

11 A Well, I studied, both of my grandparents were Assembly  
12 of God ministers, so I just sort of learned it at their knees  
13 and my parents' knees, and then I took an internship two  
14 years, in San Joaquin, California. And then I got my own  
15 church in 1962, I believe.

16 Q So that's when you started being a pastor?

17 A Yes, uh-huh.

18 Q Did you have your own church?

19 A Yes.

20 Q Why don't we start with the first church that you were a  
21 pastor in.

22 A Chowchilla, California. My wife and I had the vision of  
23 having our own ministry, our own church. And when this  
24 church came open we applied for it, and they elected us. So  
25 we served there almost three years. And then another church

1 called me in Bakersfield, California, and I accepted that.

2 Q And there's some other churches. Why don't we go with  
3 some of the other churches?

4 A Yes, I pastored there almost three years, and then a  
5 church in Riverside, California, called me and wanted me to  
6 come. And so I went there, a larger church. And I was there  
7 about five years. And then the district, what we call a  
8 district, the men that are over that area of the country,  
9 asked me to move to La Jolla and take the church in La Jolla,  
10 near San Diego. And I pastored there, I believe, four or  
11 five years. And then the church in National City in  
12 San Diego called me, and wanted me to move down there, so I  
13 accepted that. And I was there almost 20 years, at that  
14 church.

15 Q So your last stop was the longest?

16 A Yes.

17 Q And did you leave -- let me ask you this. What year did  
18 you stop pastoring?

19 A I resigned from that church in '94, early '95, I  
20 believe.

21 Q And now the semi part goes on, so you retired from  
22 pastoring, and what do you do now?

23 A Well, I had a lot of friends over the years, built a lot  
24 of acquaintances and pastors, and they invited me to come and  
25 speak for them, and help them in their churches. So my wife

1 and I bought an RV and traveled for 10 years, coast to coast.  
2 And ministered for a lot of friends and acquaintances.

3 Q Tell us what you do in terms of a pastor. In terms of  
4 your every day preaching, education, counseling, things like  
5 that, tell us about that?

6 A I did a lot of counselling. I seem to be -- have a  
7 talent, naturally for it, and then I took a lot of psychology  
8 in school, in college, and studied it on my own. And I went  
9 to seminars and teamed up with Ursula Barker, Dr. Ursula  
10 Barker, a psychiatrist, in an organization called Yoke  
11 Fellows International.

12 And I was called really a facilitator. I was not a  
13 licensed counselor, but we had group -- I had group meetings  
14 and helped a lot of people with their issues, marriage and  
15 family. And while my wife and I studied marriage and family,  
16 and did a lot of reading, so we did a lot of seminars in  
17 churches for marriage and family.

18 Q What about, did you give sermons when you were a pastor?

19 A Yes. Yes. I preached three times a week; usually  
20 Sunday morning and Sunday night, and then again on Wednesday  
21 night, and taught Bible classes, and did a lot of counseling  
22 during the daytime.

23 Q Would you tell us how you know Daniel Johnson?

24 A It is a little vague, our first meeting. I don't really  
25 remember. My wife knew his family, and I met her in Fresno,

1 California, and we married in Fresno. And I don't remember  
2 the first time I met him, but it was in the church setting.  
3 It was in a church, I believe, in Fresno.

4 Q And I think you said your wife grew up in Fresno?

5 A Yes.

6 Q Did you have a church in Fresno?

7 A No. No, I didn't.

8 Q Again, getting a little bit back to your time at the  
9 churches, did your church do missionary work?

10 A Yes, we did. We had several missions.

11 Q Tell us what missionary work is.

12 A Well, usually it's going to a country where they need  
13 help, and it's usually through a local church. And we did a  
14 lot in Guadalajara, Mexico, and down in Mexico. Because I  
15 had met several missionaries that lived there, and worked  
16 down there. We mothered a church that started with 20 people  
17 and ended up being 2000 today, people. So it was a lot like  
18 that. I have traveled all over the world at mission stations  
19 and ministered.

20 Q Give us an idea of what type of activities would occur  
21 on a mission. Like if you took your church over to a  
22 particular country, what would you do when you were there?

23 A Well, it was -- I would preach and teach, and mainly  
24 financial help, and feed them, feed, and clothing and that  
25 sort of thing, and counseling with an interpreter. I have

1 been to China three summers, and traveled with a doctor and  
2 very influential people and taught at the university there.  
3 And I don't even know how to pronounce the name of the towns.

4 Q Are all the governments in the countries you visit on  
5 missions open to you being there?

6 A Yes. I was advised by veteran missionaries not to say  
7 anything about the government. So I learned that lesson.  
8 And I wasn't concerned about their governmental processes or  
9 anything. I was just concerned about their welfare and  
10 helping them. So I preached, and in Cambodia we drilled, I  
11 think, 15 wells, and helped build a couple churches and a  
12 couple orphanages. And so I can't think -- we did a lot in  
13 Mexico.

14 Q Do you have a charitable organization that you have been  
15 running since you stepped down from the pulpit?

16 A Yes, it's called Wings of Faith Evangelism, and it sort  
17 of happened as I traveled, and people would ask me for my  
18 address, and they would send donations. So it got quite a  
19 bit one year. It was almost \$100,000 that year, so we were  
20 supporting about 22, I think, organizations.

21 Q So it sounds like it's a charitable organization?

22 A Yes.

23 Q People can donate money and deduct it from their taxes.

24 A 501(c)(3), yes.

25 Q And how do you go about raising money? Let's start that

1 right there. How do you raise the money?

2 A It just sort of happens. I just travel and am known in  
3 my organization, and people know me, you know, and know my  
4 reputation, so they are just willing to say, Can I help you?  
5 So they do. And my wife, she died in August '16, and she ran  
6 the office and she was really an outgoing person. And so she  
7 was really the power behind the throne.

8 Q So she was good at fund raising?

9 A Yes, she was.

10 Q Would you go to churches occasionally, and make  
11 presentations?

12 A Yes. Yes.

13 Q Tell us a little bit about that.

14 A Well, I went all the time to churches as I traveled. We  
15 were full time, and usually on Sunday -- we were in New York  
16 a lot, and in -- well, on the East Coast and then on the West  
17 Coast. And I have preached in nearly all denominations.

18 Q So I think you said you can't recall exactly when or how  
19 you met Daniel Johnson, but can you recall seeing him making  
20 a presentation at a church about what was -- what he was  
21 doing in Cambodia?

22 A Yes. Yes. I think it was about -- I don't know what  
23 time of the year it was, or when it was, but I think he was  
24 just new, had gone with YWAM, Youth With A Mission, which is  
25 a program for young people. My daughter went to Youth With A

1 Mission, and we supported -- a lot of my church kids wanted  
2 to be involved. It's sort of like a program like the  
3 government has. And so a lot of my youth in my churches  
4 would sign up to go, and so I met him and he was involved in  
5 YWAM, and I just met him at church, in churches.

6 And then I really -- I think a few occasions coached  
7 him, telling him -- pointing out some things that he was  
8 doing while he was speaking to refine his presentation.

9 Q And what did you find out about what he was doing in  
10 Cambodia?

11 A Well, I found out that he was drilling water wells,  
12 because the water was so bad, the children were sick from  
13 drinking the water that was -- I understood that the bombs  
14 that were dropped, you know, a lot of them didn't go off, so  
15 they were still in the ground.

16 Q Are you talking about the genocide with the Khmer back  
17 in the '70s?

18 A Yes. Yes. And so the water was really bad. So that  
19 seemed to be Daniel's mission at that time. And he was  
20 working with pastor -- a local pastor, Pastor Sinai.

21 Q Okay. You remember the name. Go ahead.

22 A So I just thought he was doing great work, and my wife  
23 knew the family. I know his dad. I know his brother, and --  
24 Gary, and so I just thought he was doing great missionary  
25 work so we were behind him 100 percent.



1 Q So did you decide to donate money for what he was doing  
2 in Cambodia?

3 A Yes. Yes, we did, sir.

4 Q How did you go about doing that?

5 A My wife handled that. She just mailed a check to  
6 whatever address he had given her to mail it to. And then he  
7 received it somehow.

8 Q And eventually did you go on missions to Cambodia to  
9 see --

10 A Yes, I did.

11 Q -- see what you were donating for?

12 A Yes, sir, I did. I have been in Cambodia three times.

13 Q Three times?

14 A Uh-huh.

15 Q And let me show you some photos. Hopefully, we can show  
16 you some photographs. So the first one is 721, just going to  
17 ask you to identify some of these photographs.

18 Can you tell us what is going on in that photograph,  
19 where it was taken, who is there?

20 A It was at the orphanage, I believe, in Cambodia.

21 Q Phnom Penh?

22 A Phnom Penh, yes.

23 Q Do you remember the name of it?

24 A Name of the orphanage?

25 Q Yeah. Can I give you a hint?

1 A Yes.

2 Q Starts with the letter H?

3 THE COURT: You can just lead.

4 MR. WEINERMAN: You will let me lead, Judge? Thank  
5 you.

6 Q BY MR. WEINERMAN: Hope Transition Center?

7 A Yes, Hope Transition Center. I am sorry. At my age I  
8 am getting a little forgetful. But I recognize my wife, of  
9 course, and myself.

10 Q Would it be too leading to say that's the older lady  
11 with the gray hair in the middle of the photograph?

12 A Yes. In the striped purple outfit.

13 Q Do you remember if this was the first, second, or third  
14 trip?

15 A It was the second.

16 Q Do you recognize any of the kids?

17 A I recognize their faces, but I didn't really get  
18 acquainted with any of their names, because they had such  
19 names -- I recognize the young man in the back. He became a  
20 minister.

21 Q Why don't you touch who you are referring to? You can  
22 touch it, and it will make a red mark.

23 A Touch the screen?

24 Q Yes.

25 A Okay, this young man.

1 Q Do you remember his name?

2 A At this moment, I can't.

3 Q I am going to lead again. I will take a liberty, is  
4 that Pastor Sopheak?

5 A Yes.

6 Q So why don't we show Mr. Robertson 722. Do you  
7 recognize this photograph, Mr. Robertson?

8 A Yes, this is me and my wife, and that young lady, I  
9 think she -- I think that lady was the cook, or visiting and  
10 doing special work there. I don't remember.

11 Q Looks like she's giving your wife something?

12 A Yes, some food. Snacks.

13 Q 723.

14 A Daniel had mentioned about the ancients where years  
15 prior the kings ruled, and he said it's like Disneyland. The  
16 kids would like to go, so I chartered a bus and we took all  
17 the kids up there. And I got to see it, also. We went up  
18 there and spent the day.

19 Q So before we show you the next photograph, so Daniel had  
20 a center for kids?

21 A Yes. Yes.

22 Q And it was in Phnom Penh?

23 A Yes. He had two centers. The one in -- I don't know  
24 why my mind is blank.

25 Q I don't think I can help you out on that one.

1 A He had the center there, Phnom Penh, and then one he was  
2 building.

3 Q That's what I wanted to talk to you about. Do you  
4 recall what Daniel was doing in the provinces, the  
5 countryside of Cambodia? Was he building things?

6 A Yes. Yes. One day that we were there he took us out to  
7 the homes where he was helping them, and trying to get them  
8 over their superstitions, and they had little -- I remember  
9 one occasion he was trying to teach the lady and the man of  
10 the house that that little devil house that they had there to  
11 collect evil spirits wasn't any good, that they needed to  
12 take the Bible. And he was quite impressive working with  
13 them.

14 Q So I am going to show you a few photographs of some of  
15 the places that I think you visited. So Exhibit 612, page 2,  
16 if I could show you a few photographs. That's not the one --  
17 I am sorry, 614. No, that's the wrong one.

18 A I don't recall. I don't recognize this.

19 Q 614?

20 A Yeah. I remember that.

21 Q I am looking for the photographs of Kampot. My list  
22 says 612, but obviously that's not correct.

23 MR. WEINERMAN: Judge, may I have a minute?

24 THE COURT: Oh, yeah, go ahead.

25 THE WITNESS: I believe that's BT XX right there, I

1 remember his name. And --

2 Q BY MR. WEINERMAN: I think we straightened it out. So  
3 Exhibit 615, page 2. Sorry for the mixup.

4 A That's okay.

5 Q So why don't you take a look at the photograph that is  
6 up now.

7 A Yes.

8 Q Do you recognize that?

9 A Yes, I do.

10 Q What is it?

11 A It's the church and the property that somehow Daniel ran  
12 onto that was available. And we helped him get it, buy it.

13 Q When you say you helped to get it, you helped pay for  
14 it?

15 A Yes, with money.

16 Q And to repair?

17 A Uh-huh.

18 Q And then there's a second picture, more of an after  
19 picture, 614, page 48.

20 MS. MOSS: Exhibit 615, Mr. Weinerman.

21 MR. WEINERMAN: Sorry.

22 THE WITNESS: That's when it's pretty well finished.

23 Q BY MR. WEINERMAN: Were you out there helping at all,  
24 or --

25 A I didn't do any labor or anything. I just was there.

1 Q So that's the church in Kampot?

2 A Yes.

3 Q So now I am going to show you some photos of the church  
4 in Prey Veng, 616, page 51. Do you recognize that one?

5 A Yes, I do.

6 Q Is that the church in Prey Veng?

7 A Yes.

8 Q You were there?

9 A I think we were there two -- I was there twice or three  
10 times, so I think then we were there a couple days.

11 Q So that's the church building, so now I am going to show  
12 you 616, page 111.

13 A Yes.

14 Q And that's obviously an incomplete building?

15 A Uh-huh.

16 Q Do you remember what that building was supposed to be  
17 for?

18 A That building was supposed to be part of an orphanage  
19 and kind of a help center, medical, and whatnot for the  
20 community.

21 Q And Wings of Faith contributed funding for that?

22 A Yes. In fact, he put a plaque there in the corner.

23 Q That says what?

24 A That says -- on my cards I say, Mountain Mover, so he  
25 put Wings of Faith, Mountain Mover on it.

1 Q Do you know why that part of the complex where the  
2 church was was not finished?

3 A It was just in transition, being worked on, and he was  
4 quite excited about it being finished, getting it done. But  
5 of course, we couldn't stay. We didn't plan to stay very  
6 long.

7 Q Now, I think we have already talked about wells,  
8 correct?

9 A Uh-huh.

10 Q So you helped donate money for the building of some of  
11 the wells?

12 A I believe we drilled 15 wells, I believe.

13 Q And I think we have a few more photographs, and  
14 hopefully I have the right number. 616 -- make sure I am not  
15 duplicating. 616, 132. Do you recognize that as being part  
16 of the Prey Veng building?

17 A Yes, it's the same.

18 THE COURT: Mr. Weinerman, I do have my meeting and  
19 I have to run upstairs. So we're going to have to break here  
20 for lunch.

21 MR. WEINERMAN: Yes, thank you.

22 THE COURT: Folks, we will break until 1:15 and  
23 finish up with this witness. We might be sending you home a  
24 little bit early this afternoon, so that's what we will do.  
25 See you at 1:15.

(JURY OUT.)

(Morning Session concluded at  
11:55 a.m.)



1       STATE OF OREGON    )  
2                               ) ss  
3       COUNTY OF YAMHILL)  
4

5                       I, Deborah L. Cook, RPR, Certified Shorthand  
6 Reporter in and for the State of Oregon, hereby certify that  
7 at said time and place I reported in stenotype all testimony  
8 adduced and other oral proceedings had in the foregoing  
9 hearing; that thereafter my notes were transcribed by  
10 computer-aided transcription by me personally; and that the  
11 foregoing transcript contains a full, true and correct record  
12 of such testimony adduced and other oral proceedings had, and  
13 of the whole thereof.

14                       Witness my hand and seal at Dundee, Oregon, this  
15 14th day of May, 2018.

16  
17 /s/ Deborah L. Cook, RPR, CSR

18 \_\_\_\_\_  
19 DEBORAH L. COOK, RPR  
20 Certified Shorthand Reporter  
21 OREGON CSR #04-0389  
22 CALIFORNIA CSR #12886  
23 WASHINGTON CSR #2992  
24  
25